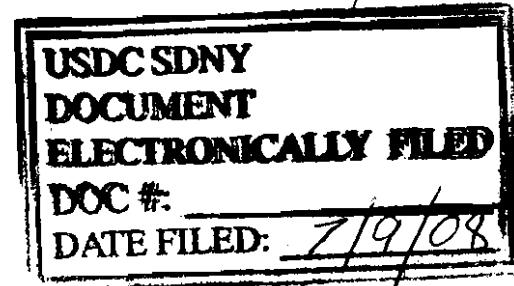


(Eric J. Bosak)



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

ERIC J. BOSAK,

Plaintiff,

-against-

BANK OF AMERICA SPECIALIST, INC.,
BANK OF AMERICA CORPORATION,
ROBERT LUCY, FRANK SMYTH, JOHN
CONKLIN and CHRISTOPHER QUICK,

Defendants.

INDEX NO. 07 CV 6162 (MGC)

ECF CASE

STIPULATION AND ORDER

X

WHEREAS, on or about July 2, 2007, Plaintiff ERIC BOSAK along with RACHEL BOSAK, CHRISTIAN BOSAK (an Infant), SEAN BOSAK (an Infant) and ETHAN BOSAK (an Infant) commenced a civil action in the United States District Court for the Southern District of New York under Index number 07 CV 6162, against Defendants BANK OF AMERICA SPECIALIST, INC. (sued sub nom BANK OF AMERICA SPECIALIST, INC.), BANK OF AMERICA CORPORATION, ROBERT LUCY, FRANK SMYTH, MIKE MCCARTHY, JOHN CONKLIN and CHRISTOPHER QUICK seeking damages for *inter alia*, Assault; Battery; Retaliation; Breach of Contract; Intentional Infliction of Emotional Harm; Negligent Infliction of Emotional Harm; Negligent Hiring, Supervision and Retention of Unfit Employees; Loss of Consortium; and Loss of Paternal Care.

WHEREAS, on or about December 12, 2007, Plaintiffs RACHEL BOSAK, CHRISTIAN BOSAK (an Infant), SEAN BOSAK (an Infant) and ETHAN BOSAK (an Infant) having withdrawn their claims against Defendants, Plaintiff ERIC BOSAK filed a Second Amended Complaint against Defendants BANK OF AMERICA SPECIALIST, INC. (sued sub nom BANK OF AMERICA SPECIALIST, INC.), BANK OF AMERICA

CORPORATION, ROBERT LUCY, FRANK SMYTH, JOHN CONKLIN and CHRISTOPHER QUICK (jurisdiction not having been obtained over Mike McCarthy) seeking damages for *inter alia*, illegal Discriminatory Acts based upon Plaintiff's Appearance of Disability and Defendants' Perception thereof, Illegal Retaliation; and Breach of Express and Implied Contracts;

WHEREAS, on or about January 3, 2008, Defendants BANC OF AMERICA SPECIALIST, INC. (sued sub nom BANK OF AMERICA SPECIALIST, INC.), BANK OF AMERICA CORPORATION, ROBERT LUCY, FRANK SMYTH, JOHN CONKLIN and CHRISTOPHER QUICK Interposed an Answer to the Second Amended Complaint in this action; and

WHEREAS, the Parties hereto, having agreed to end this litigation, have agreed that Plaintiff will withdraw his remaining causes of action against Defendants, with prejudice, and without costs, fees, attorneys fees and/or disbursements to any party as each party will bear its own costs, fees, attorneys fees and/or disbursements;

IT IS HEREBY STIPULATED AND AGREED by and between the parties, through their respective attorneys, that, subject to the approval of this Honorable Court:

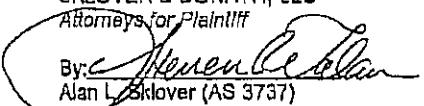
1. All claims made by plaintiff ERIC BOSAK against defendants BANC OF AMERICA SPECIALIST, INC. (sued sub nom BANK OF AMERICA SPECIALIST, INC.), BANK OF AMERICA CORPORATION, ROBERT LUCY, FRANK SMYTH, JOHN CONKLIN and CHRISTOPHER QUICK, filed in this action are withdrawn, and the same shall be and hereby are dismissed with prejudice and without fees, costs, attorneys fees and/or disbursements to any party.

2. Any and all documents and/or information exchanged by the parties shall be


treated as "Confidential."

Dated: New York, New York
May 27th, 2008

SKLOVER & DONATH, LLC
Attorneys for Plaintiff

By: 
Alan L. Sklover (AS 3737)
Steven R. Talan (ST 5353)
Ten Rockefeller Plaza
New York, New York 10020
Telephone (212) 767-6000

PROSKAUER, ROSE, LLP
Attorneys for Defendants

By: 
Lloyd B. Chinn (LC-7953)
Daniel J. O'Donnell (DO-4830)
1585 Broadway
New York, New York 10036
(212) 869-3000

SO ORDERED:

 
MIRIAM G. CEDARBAUM, U.S.D.J.

July 9, 2008

Case Closed